

SUPPORT FOR AMENDMENT

Claims 28 and 33 have been amended to specify growing plants under drought conditions to select plants which have higher drought resistance compared to the plants prior to introducing the polynucleotide.

Claims 38 and 43 have been amended to specify growing plants under drought conditions to select plants which have higher resistance to high salt concentration compared to the plants prior to introducing the polynucleotide.

Those amendments are supported by the specification at pages 4-25. Accordingly, no new matter is believed to have been added to the present application by the amendments submitted above.

REMARKS

Claims 27-47 remain pending. Favorable reconsideration is respectfully requested.

The present invention relates to a method of increasing the drought resistance of plants by introducing a specified polynucleotide into plants. See Claims 28 and 33.

The present invention also relates to a method of increasing resistance to high salt concentration in plants by introducing a specified polynucleotide into plants. See Claims 38 and 43.

As noted above, Claims 28 and 33 specify growing plants under drought conditions to select plants which have higher drought resistance compared to the plants prior to introducing the polynucleotide. Claims 38 and 43 specify growing plants under high salt conditions to select plants which have higher resistance to high salt concentration compared to the plants prior to introducing the polynucleotide. See the last several lines of each claim.

The rejection of Claims 28-47 under 35 U.S.C. §102(a) over EP 0 994 186 (hereinafter referred to as "EP '186") is respectfully traversed. EP '186 fails to describe the claimed methods.

EP '186 describes a raffinose synthase gene, a process for producing raffinose, and a transformed plant. See the Abstract. The reference is completely silent with respect to drought resistance or resistance to higher salt concentrations. EP '186 certainly fails to disclose growing plants under drought conditions to select plants which have higher drought resistance compared to the plants prior to introducing the polynucleotide or growing plants under high salt conditions to select plants which have higher resistance to high salt concentration compared to the plants prior to introducing the polynucleotide. Therefore, EP '186 fails to describe selecting plants for improved drought resistance or higher resistance to high salt concentrations as claimed. Accordingly, the reference fails to disclose or suggest the claimed methods. Withdrawal of this ground of rejection is respectfully traversed.

The rejection of Claims 28-31 and 38-41 under 35 U.S.C. §102(b) over EP 0 849 359 (hereinafter referred to as “EP ‘359”) is respectfully traversed. EP ‘359 fails to describe the claimed methods.

EP ‘359 discloses raffinose synthetase genes which code for proteins capable of producing raffinose. See the Abstract. The reference is completely silent with respect to drought resistance or resistance to higher salt concentrations. EP ‘359 certainly fails to disclose either (a) growing plants under drought conditions to select plants which have higher drought resistance compared to the plants prior to introducing the polynucleotide or (b) growing plants under high salt conditions to select plants which have higher resistance to high salt concentration compared to the plants prior to introducing the polynucleotide. Therefore, EP ‘359 fails to describe selecting plants for improved drought resistance or higher resistance to high salt concentrations. Accordingly, the reference fails to disclose or suggest the claimed methods. Withdrawal of this ground of rejection is respectfully traversed.

The rejection of Claims 28-47 under 35 U.S.C. §102(b) over JP 411123080 (hereinafter referred to as “JP ‘080”) is respectfully traversed. JP ‘080 fails to describe the claimed methods.

According to the Abstract, JP ‘080 discloses a gene for raffinose synthetase, production of raffinose, and a transformed plant. There is no indication that the reference describes that the plants have increased drought resistance or resistance to higher salt concentrations. JP ‘080 certainly fails to disclose growing plants under drought conditions to select plants which have higher drought resistance compared to the plants prior to introducing the polynucleotide or growing plants under high salt conditions to select plants which have higher resistance to high salt concentration compared to the plants prior to introducing the polynucleotide. Therefore, JP ‘080 fails to describe selecting plants for improved drought

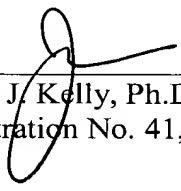
Application No. 09/810,186
Reply to Office Action of September 17, 2004

resistance or higher resistance to high salt concentrations. Accordingly, the reference fails to disclose or suggest the claimed methods. Withdrawal of this ground of rejection is respectfully traversed.

Applicants submit that the present application is now in condition for allowance and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



James J. Kelly, Ph.D.
Registration No. 41,504

Customer Number
22850
Tel: (703) 413-3000
Fax: (703) 413 -2220
NFO/JK/lcd